

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08cv6-MU

BLUE CROSS AND BLUE SHIELD OF
NORTH CAROLINA,

Plaintiff,

vs.

JEMSEK CLINIC, P.A. and JOSEPH G.
JEMSEK, M.D., and individual,

Defendants.

ORDER

This matter is before the court upon Plaintiff's Motion for Reconsideration, or Alternatively, for Certification Under 28 U.S.C. § 1292(b). Plaintiff seeks to have the court reconsider its Order of March 7, 2008 in which the court denied Plaintiff's request for leave to appeal a discovery order entered by the bankruptcy court. Relying on Fourth Circuit authority, the court determined that the discovery order Plaintiff sought to appeal was not subject to the collateral order doctrine exception.

Plaintiff has notified the court that pursuant to the bankruptcy court's refusal to stay production requirements and discovery in this case, Plaintiff has now produced the documents that were the subject of its Motion for Leave to Appeal and Motion for Reconsideration. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration, or Alternatively, for Certification Under 28 U.S.C. § 1292(b) is hereby DENIED AS MOOT.

Signed: May 19, 2008



Graham C. Mullen
United States District Judge

